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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,709	10/24/2001	Michael A. Tavis	M1103.70273US00	5403

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EXAMINER

BILGRAMI, ASGHAR H

ART UNIT	PAPER NUMBER
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2143

MAIL DATE	DELIVERY MODE
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06/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/032,709

Applicant(s)

TAVIS ET AL.

Examiner

Asghar Bilgrami

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donohue et al (U.S. 6,199,204 B1) and Parthesarathy et al (U.S. 6,353,926 B1).

3. As per claims 1 & 11 Donohue disclosed apparatus adapted for use in a peer-to-peer collaboration system (col.7, lines 12-25), the apparatus comprising a computer system with a memory and a computer-readable medium having computer executable modules, the computer-executable modules comprising: an activity program adapted to implement a portion of a collaboration session, the activity program generating a component update request in response to an action by user within the session; a component manager that receives the component update request from the activity program (col.5, lines 1-10) , and has a parser that extracts from the request URL information which identifies the location of a file containing software component resources for satisfying the component update request (col.8, lines 25-47 & figure.3), wherein the component manager is adapted to determine whether the requested software component is already installed on the computer system and to selectively invoke the download manager based on the determination (col.8, lines 64-67 & col.9,

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lines 1-9). However Donohue did not explicitly disclose a download manager that receives the URL information from the component manager and has a file retriever which asynchronously retrieves the file from the specified location, places the file in a staging area in the memory; and an install manager that asynchronously install the file.

In the same field of endeavor Parthesarathy disclosed a download manager that receives the URL information from the component manager and has a file retriever which asynchronously retrieves the file from the specified location and places the file in a staging area in the memory and notifies the component manager; and an install manager that is instructed by the component manager to asynchronously install the file in the staging area; and an install manager the asynchronously installs the file (col.5, lines 61-67 & col.6, lines 1-13 & lines 14-31).

It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have incorporated a component manager asynchronously retrieving file from a specified location as disclosed by Parthesarathy into an apparatus for managing software component update as disclosed by Donohue in order to provide the software/data transfer in a more efficient and secure manner and as a result make the software component apparatus more stable and prone to unauthorized users.

4. As per claims 2, 12, 22 & 33 Donohue-Parthesarathy disclosed the apparatus of claim 1 wherein the file contains an OSD description of the software component resources (Parthesarathy, col.6, lines 33-59).

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5. As per claims 3, 13, 23 & 34 Donohue-Parthesarathy disclosed the apparatus of claim 1 wherein the component manager comprises a security section that validates the file before installation (Parthesarathy, col.8, lines 53-65).

6. As per claims 4, 14, 24 & 35 Donohue-Parthesarathy disclosed the apparatus of claim 1 further comprises a manifest contains a list of all software components installed on the computer system (Donohue , col.8, lines 64-67 & col.9, lines 1-9).

7. As per claims 5, 15, 25 & 36 Donohue-Parthesarathy disclosed the apparatus of claim 4 wherein the component manager comprises a mechanism that responds to the request by checking the manifest to ascertain whether the requested software component is already installed on the computer system (Donohue , col.8, lines 64-67 & col.9, lines 1-9).

8. As per claims 6, 16, 26 & 37 Donohue-Parthesarathy disclosed the apparatus of claim 1 wherein the component manager comprising a polling mechanism that periodically polls component locations to locate new component version (Parthesarathy, col.5, lines 61-67 & col.6, lines 1-10).

9. As per claims 7, 17, 27 & 38 Donohue-Parthesarathy disclosed the apparatus of claim 1 wherein the software component may be a system component that is required

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for operation of the apparatus or an application component that is not required for operation of the apparatus and wherein the apparatus further comprises a system component manager that receives a request for the system component and a system component installer that is started by the system component manager (Parthesarathy, col.5, lines 61-67 & col.6, lines 1-67) .

10. As per claims 8, 18, 28 & 39 Donohue-Parthesarathy disclosed the apparatus of claim 1 wherein the activity program generates the update request in response to receiving an invitation for a user to join the collaboration session, the invitation being generated in response to an action by a user within the collaboration session (Donohue, col.1, lines 51-67 & col.1, lines 1-2 & col.7, lines 22-25).

11. As per claims 9, 19, 29 & 40 Donohue-Parthesarathy disclosed the apparatus of claim 1 wherein the activity program generates the update request in response to receiving an update delta for the collaboration session, the update delta being generated in response to an action by a user within the collaboration session. (Donohue, col.7, lines 12-25).

12. As per claims 10, 20, 30 & 41 Donohue-Parthesarathy disclosed the apparatus of claim 1 wherein the component manager comprises an activation factory for activating installed software components (Donohue, col.8, lines 64-67 & col.9, lines 1-9).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 21, 31 & 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Varma et al (U.S. 6,334,141 B1) and Parthesarathy et al (U.S. 6,353,926 B1).

14. As per claims 21, 31 & 32 Varma disclosed apparatus for use in a peer-to-peer collaboration system comprising a computer system with memory, the apparatus comprising: means for implementing a collaboration session for a user, the means for implementing adapted to receive an indication of a component in use within the collaboration session and to selectively generate an update request for the component (col.5, lines 16-67 & col.6, lines 1-27): means responsive to the request, for parsing the request to extract from the request URL information which identifies the location of a file containing software component resources for satisfying the request (col.11, lines 38-54). However Varma did not explicitly disclose means for receiving the URL information and asynchronously retrieving the file from the identified location; and means cooperating with the parsing means for asynchronously installing the component from the file. In the same field of endeavor Parthesarathy disclosed means for receiving the URL information and asynchronously retrieving the file from the identified location; and

means cooperating with the parsing means for asynchronously installing the component from the file.

It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have incorporated a component manager asynchronously retrieving file from the identified location as disclosed by Parthesarathy into an apparatus for managing software component update as disclosed by Verma in order to provide the software/data transfer in a more efficient and secure manner and as a result make the software component apparatus more stable and prone to unauthorized users.

15. As per claims 22 & 33 Varma - Parthesarathy disclosed the apparatus of claim 32 wherein the file contains an OSD description of the software component resources (Parthesarathy, col.6, lines 33-59).

16. As per claims 23 & 34 Varma - Parthesarathy disclosed the apparatus of claim 32 wherein the parsing means comprises means for validating the file before installation (Parthesarathy, col.8, lines 53-65).

17. As per claims 24 & 35 Varma - Parthesarathy disclosed the apparatus of claim 32 further comprises a manifest which contains a list of all software components installed on the computer system (Varma, col.1, lines 12-34).

18. As per claims 25 & 36 Varma - Parthesarathy disclosed the apparatus of claim 35 wherein the parsing means comprises means responsive to the request for checking the manifest to ascertain whether the requested software component is already installed on the computer system (Varma, col.1, lines 12-34).

19. As per claims 26 & 37 Varma - Parthesarathy disclosed the apparatus of claim 32 wherein the parsing means comprises means for periodically polling component locations to locate new component version (Parthesarathy, col.5, lines 61-67 & col.6, lines 1-10).

20. As per claims 27 & 38 Varma - Parthesarathy disclosed the apparatus of claim 32 wherein the software component may be a system component that is required for operation of the apparatus or an application component that is not required for operation of the apparatus and wherein the apparatus further comprises a system component manager that receives a request for the system component and a system component installer that is started by the system component manager (Parthesarathy, col.5, lines 61-67 & col.6, lines 1-67) .

21. As per claims 28 & 39 Varma - Parthesarathy disclosed the apparatus of claim 38 wherein the system component installer comprises means for shutting the system component manager down before installing an in-use component (Varma, col.2, lines 43-67 & col.3, lines 1-6).

22. As per claims 29 & 40 Varma - Parthesarathy disclosed the apparatus of claim 39 wherein the system controller comprises means for restarting the system component manager after system component has been installed (Varma, col.5, lines 16-67 & col.6, lines 1-27)

23. As per claims 30 & 41 Varma - Parthesarathy disclosed the apparatus of claim 32 wherein the parsing means comprises means for activating installed software components (Varma, col.1, lines 12-34).

Response to Arguments

24. Applicant's arguments with respect to claims 1-41 have been considered but are moot in view of the new ground(s) of rejection with respect to the amended claims.

25. Applicant on page 12 argues that Parthesarathy does not describe peer-to-peer collaboration system.

26. As to applicant's argument one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.

See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800

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F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Examiner in the rejection has indicated Verma disclosing a system that performs the collaboration activity.

27. Applicant argued that there is no motivation to combine the two references and even combined none of the references show a parser that extracts the URL information from the component request.

28. As to applicant's argument the both Verma and Parthesarathy disclose a system in which multiple computers are in communication with each other (similar environment as described in the applicant's specification) having various functionalities. Additionally Parthesarathy disclosed that a security enhancement can also be incorporated wherein the software decides which site is authorized to update the software. An AuthorizedCDPrefic key can be included under the HKEY_LOCAL_MACHINE\software\Microsoft\windows\Current Version, which contains a default value, which specifies which URLs, which are authorized to update the software. For example "http://www.microsoft.com" (col.8, lines 53-67 & col.9. line 1-14). Therefore URL has to be parsed first in order to fetch the software update from the specified location.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3924. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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